

### **REMARKS**

5 The Examiner is thanked for the careful review of this application. Applicant has thoroughly reviewed the outstanding Office Action and the references cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the above amendments, patentably distinguish the claims over cited art of record.

Claims 1 and 9 are amended herein. According, claims 1 through 13 remain pending.

10 The changes made to the claims overcome the objection and rejections noted by the Examiner. No new matter is added by these amendments.

#### **Present Status of Application**

15 The Office Action rejected claims 1-4, 9-11 and 13. Specifically, claims 1-4, 9-10, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Figueroa (US 2004/0251406). Moreover, claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figueroa in view of Tateishi et al. (US 5,859,818).

20 Applicant has amended claims to overcome the rejections based on 35 U.S.C. 102(e) and 103(a). Applicant respectfully traverses the rejections and request reconsideration of all rejected claims.

#### **Discussion of Office Action Rejections**

##### **Rejection of claims 1-4, 9-10 and 13 are rejected based on 35 U.S.C. 102(e)**

25 Claims 1-4, 9-10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Figueroa (US 2004/0251406).

Applicant has amended the independent claims to more clearly define the claims over the cited references. More specifically, Applicant has amended claims 1 and 9 to further define the light blocker is rotated around a rotating axis when the electronic component is tilted.

Independent claim 1 is directed to an electronic apparatus with level-detecting function. Specifically, the electronic apparatus comprising: an electronic component; a light-sensing device for sensing light; a light source for emitting light onto the light-sensing device; a light blocker for blocking light emitted by the light source from projecting onto the light-sensing device when the electronic component is tilted and has a tilt angle within a predetermined range, wherein the light blocker is rotated around a rotating axis; and a control circuit electrically connected to the light-sensing device for controlling the electronic component to selectively operate in one of a plurality of operating modes according to the intensity of light received by the light-sensing device. According to Figs. 1, 2 and 5, the light blocker is rotated around a rotating axis.

However, the cited reference of Figueria (US 2004/0251406) does not disclose every elements of the claimed invention. For example, Figueria does not disclose that the electronic component is an optical disc drive. Specifically, section 57, 『*Disk 60 can be made of other materials. It basically functions as a blocking paddle.*』, is only about the materials of the disk 60. There's no mention that the electronic apparatus is an optical disc drive. Moreover, the disk 60 is located in different position in the disc cavity 114 during rotation. The disk 60 does not rotate about a rotating axis. Further, in sections 46-48, three different states are introduced. The first state is that the disk 60 blocking the LED 62, the second state is that the disk 60 blocking the photo transistor 68L and the third state is that the disk 60 blocking the photo transistor 68R. Figueria does not disclose that the operating modes including an enable mode and an off mode. In addition, Figueria does not disclose that the electronic component is operated in different modes according to the intensity of light emitted by the light source and sensed by the light-sensing device.

It is therefore submitted that the cited reference fails to disclose each and every feature of the electronic apparatus, as defined in claim 1. Claim 1 patently defines over the cited art and should be allowed. Dependent claims 2-5 each depend from independent claim 1 also define over the cited art for at least the same reasons.

The independent claims 9 are also defined over the cited art for at least the same reasons described above. Dependent claims 10, 11, and 13 each depend from independent claim 9 also define over the cited art for at least the same reasons.

5           **Rejection of claims 5, and 11 based on 35 U.S.C. 103(a)**

Claim 5 and 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Figueria in view of Tateishi (US 5,859,818).

Regarding Claims 5 and 11, since Figueria does not disclose each and every feature of independent claims 1 and 9, it is apparently hard for the skilled in the art to  
10 be stimulated from the teaching of Figueria in combination with Tateishi et al. (US 5,8589,818) to design an electronic apparatus as claimed in this invention.

Moreover, Tateishi et al. disclose a tilt servo apparatus comprising: tilt detecting a signal corresponding to a tilting angle in a radial direction between the information recording surface of the optical disc and an optical axis of the objective  
15 lens. On the contrary, Figueria is not related to the optical disk drive. Therefore, it is apparently hard to combine the two inventions to obtain the present invention.

Therefore, Applicant respectfully requests the rejection of obviousness to be withdrawn.

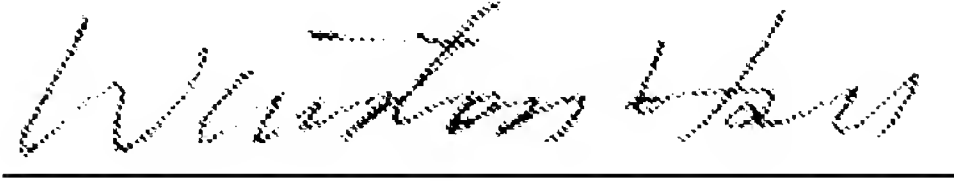
20           **Conclusion**

Accordingly, Applicants respectfully submit the claims 1-24 and the drawing to overcome the rejections under 35 U.S.C 102(e) and 103(a). Specifically, the present application cannot be anticipated by Figueria and cannot be obvious by further view of Tateishi et al.. In view of foregoing, it is believed that all pending claims and  
25 drawings are in proper condition for allowance.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,



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